

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**SAMONE T. PARKER, Individually and as
Special Administrator of the Estate of Tonya
L. Drapeau, deceased;**

Plaintiff,

vs.

**THE UNITED STATES OF AMERICA;
VISTA STAFFING SOLUTIONS, INC.;
NEVINE MAHMOUD, M.D.; and ROBIN
HARRIS, R.N.;**

Defendants.

8:18CV123

**SECOND AMENDED
FINAL PROGRESSION ORDER**

This matter comes before the Court on the Agreed Motion to Modify Amended Final Progression Order ([Filing No. 159](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED:

- 1) The jury trial of this case set to commence on **April 21, 2020**, is hereby cancelled, and will be reset at a later date.
- 2) The Pretrial Conference is scheduled before the undersigned magistrate judge on **September 25, 2020**, at **10:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m.** on **September 18, 2020**.
- 3) A telephonic conference to discuss the status of case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **April 6, 2020**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **April 28, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **March 30, 2020**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference to discuss the parties' dispute.

- 5) The deadlines to complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	January 17, 2020
For the defendants:	April 17, 2020
Plaintiff's rebuttal:	May 15, 2020

- 6) The deposition deadline is **June 12, 2020**.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **June 29, 2020**.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **June 29, 2020**.
- 9) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 27th day of August, 2019.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.